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EXAMINER	
MARTIN, NICHOLAS A	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,954	CORBIN ET AL.	
	Examiner	Art Unit	
	Nicholas A. Martin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) *25-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24 and 42-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-63* are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/9/2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-63 are presented for examination.

Specification

2. On page 16, line 15; it states, "...(events 306-310)." This is incorrect because in Figure 4 there are no reference numbers for 307 and 309, only 306, 308 and 310. Appropriate correction is required.

Claim Objections

Claims 15, 33 and 50-52 are objected to because of the following informalities:

3. Claim 15 claims dependency to claim 16, but according to the claim, it is clear that it is intended to be dependent upon claim 14. It will be assumed for the remainder of the examination that claim 15 is dependent of claim 14.

4. Claim 33 claims dependency to claim 325. There is no claim 325; therefore it is assumed for the remainder of the examination that claim 33 is dependent upon claim 32.

5. Claims 50-52 state, "The method of claim 49,...". This is incorrect because claim 49 is a system claiming dependency to system of claim 42.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, second paragraph because claim 2 is an apparatus that is claiming dependency to a method.

7. Claim 15 is rejected under 35 U.S.C. 112, second paragraph because it recites the limitation "The system of claim 16, wherein the status value data structure...". There is insufficient antecedent basis for this limitation in the claim because claim 16 has no mention of a status value data structure.

Election/Restrictions

8. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-24 and 42-63, drawn to accessing status information over a network, classified in class 709, subclass 224.

II. Claims 25-41, drawn to computer executable components for handling processes by script engines, classified in class 709, subclass 237.

9. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as lacking the computer executable components for handling processes by script engines. See MPEP § 806.05(d).

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

11. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

12. During a telephone conversation with the Applicant's Attorney (John T. Bretscher (312) 616-5600)) on December 8, 2004 a provisional election was made without traverse to prosecute the invention of the elected group, claims 1-24 and 42-63. Affirmation of this election must be made by Application in replying to this Office action. Claims 25-41 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13. Claims 1-24 and 42-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (hereinafter Ginter), US 2004/0054630.

14. As per claim 1, Ginter teaches a method for accessing status information related to a process that is executable by one or more nodes from over a network, the method comprising:

retrieving status information related to an executable process by a process management system executing on a primary node (Paragraphs [0081] and [1275 - 1276]); and

storing status information related to the executable process into a data structure, wherein the data structure is available to any node capable of accessing the process management system (Paragraphs [0732-0733], [1361] and [2105).

15. As per claim 2, Ginter teaches a computer-readable medium having stored thereon computer-executable instructions for performing the method of claim 1 (Paragraph [0732]).

16. As per claim 3, Ginter teaches the method of claim 1, further comprising:

invoking one or more script engines by the process management system to execute script code that performs the action of the executable process, wherein the process management system handles multiple script threads during the execution of the process (Paragraphs [0181] and [0597]).

17. As per claim 4, Ginter teaches the method of claim 3, wherein the one or more script engines are maintained by a process management system that executes on the one or more nodes (Paragraphs [0149], [0160], [1443]).

18. As per claim 5, Ginter teaches the method of claim 4, wherein the one or more nodes include the primary node (Paragraph [0271]).

19. As per claim 6, Ginter teaches the method of claim 1, wherein the step of retrieving includes polling the process management system on the one or more nodes to obtain status information related to the executable process (Paragraphs [0896], [0905], [0907], [0947] and [1677]).

20. As per claim 7, Ginter teaches the method of claim 6, wherein the step of polling is performed by the process management system residing on the primary node over an established connection with the one or more nodes (Paragraphs [0896], [0905], [0907] and [0947]).

21. As per claim 8, Ginter teaches the method of claim 7, wherein the one or more nodes include the primary node (Paragraphs [0271], [0613] and [0896]).

22. As per claim 9, Ginter teaches the method of claim 1, wherein the step of retrieving includes receiving status information from the one or more nodes that are polled by the process management system (Paragraphs [0896], [0905] and [1276]).

23. As per claim 10, Ginter teaches the method of claim 9, wherein the status information is generated by script code that is executed by one or more script engines that reside on the one or more nodes (Paragraph [1677]).

24. As per claim 11, Ginter teaches the method of claim 10, wherein the one or more nodes include the primary node (Paragraph [1677]).

25. As per claim 12, Ginter teaches the method of claim 1, wherein the step of storing is performed by the process management system executing on the primary node (Paragraph [1677]).

26. As per claim 13, Ginter teaches the method of claim 1, wherein the step of storing further includes:

placing the status information relative to the executable process into a private data structure by the process management system on the primary node (Paragraphs [1456] and [1677]), wherein the data structure is accessible to only the script threads that are spawned during the execution of the process (Paragraphs [1035-1036]).

27. As per claim 14, Ginter teaches the method of claim 1, wherein the step of storing further includes:

placing the status information relative to the executable process into a status value data structure that is accessible to any node capable of accessing the process management system executing on the primary node (Paragraphs [1035-1036]).

28. As per claim 15, Ginter teaches the method of claim 14, wherein the status value data structure comprises data for providing an indication of an event that occurs during the execution of the process (Paragraphs [1035-1037]).

29. As per claim 16, Ginter teaches the method of claim 1, further comprising:

establishing a connection between a process management system executing on the one or more nodes and the process management system residing on the primary node, wherein the connection is established by the script code in execution by the one or more script engines (Paragraph [1443]).

30. As per claim 17, Ginter teaches the method of claim 1, further comprising:

establishing a connection between one or more nodes and the process management system residing on the primary node, wherein the connection is established from a user interface executing on the one or more nodes (Paragraph [1443]).; and

accessing the process management system from over the established connection by the user interface executing on the one or more nodes (Paragraph [1437]).

31. As per claim 18, Ginter teaches the method of claim 17, wherein the step of establishing includes accepting a command as input by the user interface to establish a connection with the process management system executing on the primary node (Paragraphs [0437] and [1676]).

32. As per claim 19, Ginter teaches the method of claim 17, wherein the step of accessing includes accepting a command as input by the user interface to invoke the action of the executable process by the process management system from over the established connection (Paragraphs [0437], [1676] and [2031]).

33. As per claim 20, Ginter teaches the method of claim 17, wherein the step of accessing includes accepting a command as input by the user interface to poll the process management system for status information from over the established connection (Paragraphs [0437], [0896], [0905], [0907], [0915], [1676] and [2031]).

34. As per claim 21, Ginter teaches the method of claim 17, wherein the user interface receives messages from the process management system over the established connection (Paragraphs [0437], [0896], [0905], [0907], [0915], [1676] and [2031]).

35. As per claim 22, Ginter teaches the method of claim 21, wherein the messages contain information that is descriptive of the primary node (Paragraphs [0183], [0271], [0613] and [0896]).

36. As per claim 23, Ginter teaches the method of claim 21, wherein the messages contain information that is descriptive of a particular event that occurs during the execution of the process (Paragraphs [0613]).

37. As per claim 24, Ginter teaches the method of claim 21, wherein the messages contain a data structure that is generated as a result of the execution of the script code by the one or more script engines to indicate the status of the executable process (Paragraph [1223]).

38. As per claim 42, Ginter teaches a system for accessing status information that is stored on a primary node, wherein the status information is related to a process that is executable by one or more nodes from over a network, the system comprising:

one or more user interfaces for invoking the executable process and retrieving status information generated by one or more script engines in execution from over a network (Paragraph [0822] and [2020]);

a multiple threaded process management system executing on a primary node for collecting and storing status information related to the executable process from the one or more nodes (Paragraph [0985]);

at least one script engine maintained by the process management system for accessing and executing script code (Paragraphs [0493], [0597] and [1378]); and

at least one database having stored therein script code for enabling the executable process, wherein the database is accessible by the at least one script engine (Paragraph [0455]).

39. As per claim 43, Ginter teaches the system of claim 42, wherein the one or more user interfaces establish a connection over the network with the process management system executing on the primary node (Paragraphs [1705], [2020] and [2025]).

40. As per claim 44, Ginter teaches the system of claim 42, wherein the one or more user interfaces are executed by one or more nodes tied to a network (Paragraphs [1705], [2020] and [2025]).

41. As per claim 45, Ginter teaches the system of claim 44, wherein one or more nodes include the primary node (Paragraphs [0098] and [0271]).

42. As per claim 46, Ginter teaches the system of claim 42, wherein the one or more user interfaces accept as input commands to establish a connection with the process

management system executing on the primary node (Paragraphs [1705], [2020], [2022] and [2025]).

43. As per claim 47, Ginter teaches the system of claim 42, wherein the one or more user interfaces accept as input, commands to invoke the action of the executable process by the process management system, and sends, requests to invoke the action of the executable process to the process management system from over the established connection (Paragraphs [1705], [2020], [2022] and [2025]).

44. As per claim 48, Ginter teaches the system of claim 42, herein the one or more user interfaces accept as input commands to poll the process management system for status information, and sends requests to poll the process management system for status information from over the established connection (Paragraphs [0896], [0905], [0907], [1705], [2020], [2022] and [2025]).

45. As per claim 49, Ginter teaches the system of claim 42, wherein the one or more user interfaces receive messages from the process management system over the established connection in response to the polling (Paragraphs [0896], [0905], [0907], [1705], [2020], [2022] and [2025]).

46. As per claim 50, Ginter teaches the method of claim 49, wherein the messages contain information that is descriptive of the primary node (Paragraphs [0183], [0271], [0613] and [0896]).

47. As per claim 51, Ginter teaches the method of claim 49, wherein the messages contain information that is descriptive of a particular event that occurs during the execution of the process (Paragraph [0613]).

48. As per claim 52, Ginter teaches the method of claim 49, wherein the messages contain a data structure that is generated as a result of the execution of the script code by the one or more script engines to indicate the status of the executable process (Paragraphs [1223]).

49. As per claim 53, Ginter teaches the system of claim 42, wherein the process management system accepts connection requests from one or more user interfaces operating on one or more nodes from over the established connection (Paragraphs [1705], [2020], [2022] and [2025]).

50. As per claim 54, Ginter teaches the system of claim 53, wherein the one or more nodes include the primary node (Paragraphs [0098], [0271], [1705], [2020], [2022] and [2025]).

51. As per claim 55, Ginter teaches the system of claim 42, wherein the process management system receives requests to invoke, the action of the executable process from the one or more nodes connected to the process management system (Paragraphs [0437], [1676], [1705], [2020], [2022], [2025] and [2031]).

52. As per claim 56, Ginter teaches the system of claim 42, wherein the process management system polls the one or more nodes connected to the process management system to obtain status information related to the executable process (Paragraphs [0896], [0905], [0907], [1705], [2020], [2022] and [2025]).

53. As per claim 57, Ginter teaches the system of claim 42, wherein the process management system stores the information into a public data structure that is

accessible to the one or more nodes capable of establishing a connection with the first component (Paragraphs [1035-1036]).

54. As per claim 58, Ginter teaches the system of claim 42, wherein the process management system stores the status information relative to the process into a private data structure that is accessible to only the script threads in operation during process execution (Paragraphs [1035-1036], [1456] and [1677]).

55. As per claim 59, Ginter teaches the system of claim 42, wherein the process management system stores the status information relative to the executable process into a status value data structure that is accessible to the one or more nodes having access to the status information (Paragraphs [1035-1036]).

56. As per claim 60, Ginter teaches the system of claim 59, wherein the status value data structure contains data for providing an indication of a particular event that occurs during the execution of the process (Paragraphs [1035-1037]).

57. As per claim 61, Ginter teaches the system of claim 42, wherein the process management system receives requests for status information relative to the executable process from the one or more nodes connected to the process management system (Paragraphs [0437], [1676-1677], [1705], [2020], [2022], [2025] and [2031]).

58. As per claim 62, Ginter teaches the system of claim 42, wherein the process management system sends the public data structure to the one or more nodes in response to the request (Paragraphs [1035-1036]).

59. As per claim 63, Ginter teaches the system of claim 42, wherein the process management system sends the status value data structure to the one or more nodes in response to the request (Paragraphs [1035-1036]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Multi-Threaded System For Activating A Process Using A Script Engine And Publishing Data Descriptive Of The Status Of The Process".

i.	US 2002/0165961	Everdell et al.
ii.	US 2002/0136390	Lang et al.
iii.	US 6,826,607	Gelvin et al.
iv.	US 5,550,986	DuLac, Keith B.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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December 9, 2004

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